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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,647	10/06/2003	Daniel Simoen	KOB	7814
<div>7590 12/19/2006 James C. Wray Suite 300 1493 Chain Bridge Road McLean, VA 22101</div>			<div>EXAMINER EVANS, GEOFFREY S</div>	
			ART UNIT	PAPER NUMBER
			1725	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/19/2006	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/678,647

Applicant(s)

SIMOEN, DANIEL

Examiner

Geoffrey S. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The indicated allowability of claims 5-8 is withdrawn in view of the newly cited prior art to Fehr et al. in U.S. Patent No. 997,283 and Ramseier in U.S. patent No. 3,628,574. The delay in citation of this art is regretted.
2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 5 the relationship between the third part, fourth part, and fifth part with each other and with the first and second parts is unclear since none is disclosed in the claim. Also in claim 5 on line 16 the phrase "available on the market" is indefinite since the products sold are constantly changing and not time invariant.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Decock in Japan Patent No. 5-195,370 in view of Japan Patent No. 60-119,245. Decock discloses a single unitary lancet with sections made of different shapes (see figure 9). Japan Patent No. 60-119,245 teaches making an intricate shaped weaving device out of three parts that are subsequently laser welded together. It would have been obvious to adapt Decock in view of Japan Patent No. 60-119,245 to provide this to more easily make the lancet by simply making the parts individually, followed by laser welding them together.

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5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan Patent No. 60-119,245 A in view of Fehr et al. in U.S. Patent No. 997,283 and Ramseier in U.S. patent No. 3,628,574. Japan Patent No. 60-119,245 discloses a heddle (see figure 6) with a three parts with the first part (element 6 in figure 6) and the second part (element 4) being differently shaped from one another (and therefore having different shape properties). Japan Patent No. 60-119,245 further discloses laser welding the parts together. Japan Patent No. 6-119,245 does not disclose that the first part is made of wire material or that the second part is made of a stamped piece of material, but that the parts are punched. Fehr et al. teaches art recognized equivalence of wire and a thin flat strip of metal in a heddle (see column 1, lines 53-54). Ramseier teaches art recognized equivalence of sections that are stamped and punched (see column a, lines 34-36). It would have been obvious to adapt Japan Patent No. 60-119,245 in view of Fehr et al. and Ramseier to provide a first and third section made of wire and a middle section that is stamped under the doctrine of equivalents. Regarding claim 8, the parts are of the same diameter at the areas in which they are laser welded together.

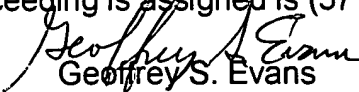
6. Claim 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner works a very flexible schedule but can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on (571)-272-1292. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

GSE

  
Geoffrey S. Evans  
Primary Examiner  
Group 1700